REMARKS

Claims 1-51 are pending in the present Application and all claims currently stand rejected. In this Response to Office Action, claims 1, 21, and 41-47 are amended herein. Reconsideration of the Application in view of the foregoing amendments and the following remarks is respectfully requested.

Rejection under 35 U.S.C. §112, First Paragraph

On page 3 of the Office Action, the Examiner indicates that claim 49 is rejected for failing to comply with the written description requirement. In particular, the Examiner refers to the language regarding "a label amplitude" and "a label duration." Applicants respectfully traverse. Applicants direct the Examiner to their Specification, page 15, lines 23-29, which explicitly discloses "certain pre-determined criteria such as label amplitude or label duration." In view of the foregoing remarks, Applicants believe that the Examiner's rejections are addressed, and respectfully requests that the rejection under 35 U.S.C. §112, first paragraph, be withdrawn so that claim 49 may issue in a timely manner.

35 U.S.C. § 102(e)

On page 5 of the Office Action, the Examiner rejects claims 1-2, 4, 8, 10, 15-17, 21-22, 24, 28, 30, 35-37, 41-47, and 50 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Publication No. 2003/0101156 to Newman. The Applicants respectfully traverse these rejections for at least the following reasons.

"For a prior art reference to anticipate in terms of 35 U.S.C. §102, every

element of the claimed invention must be *identically* shown in a single reference." *Diversitech Corp. v. Century Steps, Inc.*, 7 USPQ2d 1315, 1317 (CAFC 1988). The Applicants submit that Newman fails to identically teach every element of the claims, and therefore does not anticipate the present invention.

Regarding the Examiner's rejection of independent claims 1, 21, and 41-47, Applicants respond to the Examiner's §102 rejections as if applied to similarly amended independent claims 1, 21, and 41-47. For example, amended independent claim 1 is now amended to recite *"said audio/video data including a narration concurrently provided by a narrator specifically to identify where respective subject matter locations are positioned in storage of said audio/video data,"* and then using speech recognition for converting the narration into labels, *"said labels being text conversions of utterances in said narration, said labels being created for locating said respective subject matter locations"* which are limitations that are not taught or suggested either by the cited reference, or by the Examiner's citations thereto.

Newman teaches recording audio or video information to depict conditions during corresponding data measurements of oilfield operations (see paragraph 0012). However, Newman nowhere discloses creating text labels from a user narration specifically for "*locating said respective subject matter locations*" of corresponding video recording, as claimed by Applicants. On the contrary, Newman's audio recording is merely a description of an oil-drilling operation.

The audio recording of Newman is nowhere used for performing any sort of label search operation. Applicants therefore submit that Newman fails to teach "*a*

label search mode for utilizing said labels to locate said respective subject matter locations in said audio/video data" (emphasis added), as claimed by Applicants. Furthermore, Applicants submit that Newman fails to teach utilizing a speech recognition engine to generate search labels for use in the label search mode. The only mention of speech recognition in Newman is two short sentences at the end of paragraph 0017.

Paragraph 0017 of Newman briefly mentions that text files may be used for "reporting" or may be "displayed." No mention is made of any type of label search procedure. Applicants therefore submit that Newman fails to teach "*a speech recognition engine that automatically performs a speech recognition process upon said narration to generate labels that correspond to said respective subject matter locations in said audio/video data, said labels being text conversions of utterances in said narration, said labels being created for locating said respective subject matter locations*" (emphasis added), as claimed by Applicants. For at least the foregoing reasons, Applicants request reconsideration and withdrawal of the rejections of independent claims 1, 21, and 41-47.

Regarding the Examiner's rejection of dependent claims 2, 4, 8, 10, 15-17, 22, 24, 28, 30, 35-37, and 50, for at least the reasons that these claims are directly or indirectly dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested. Applicants therefore respectfully request reconsideration and allowance of

dependent claims 2, 4, 8, 10, 15-17, 22, 24, 28, 30, 35-37, and 50, so that these claims may issue in a timely manner.

Because a rejection under 35 U.S.C. §102 requires that every claimed limitation be *identically* taught by a cited reference, and because the Examiner fails to cite Newman to identically teach or suggest the claimed invention, Applicants respectfully request reconsideration and allowance of the rejected claims so that these claims may issue in a timely manner.

35 U.S.C. §103

On page 10 of the Office Action, the Examiner rejects claims 5-6, 9, and 51 under 35 U.S.C. §103 as being unpatentable over Newman alone. The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a) which requires that three basic criteria must be met, as set forth in M.P.E.P. §2142:

> "First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations" (emphasis added).

The initial burden is therefore on the Examiner to establish a *prima facie* case of

obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 5-6, 9, and 51, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims 5-6, 9, and 51, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

In the rejections of claims 5-6, 9, and 51, the Examiner repeated states that Newman "further renders obvious" various claimed limitations without providing any specific references for support. It appears that the Examiner is utilizing Official Notice without expressly stating so. Applicants submit that the particular combination of claimed limitations would not be obvious to one skilled in the art at the time of the invention. Applicants further submit that the Examiner has improperly utilized Official Notice because the cited limitations are uniquely utilized by the Applicants to produce novel combinations that are not well-known. Applicants therefore respectfully request the Examiner to cite specific references in support of these rejections, and failing to do so, to reconsider and withdraw the rejections of claims 5-6, 9, and 51, so that the present Application may issue in a timely manner.

For at least the foregoing reasons, the Applicants submit that claims 5-6, 9, and 51 are not unpatentable under 35 U.S.C. §103 over Newman alone, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore

respectfully request reconsideration and withdrawal of the rejections of claims 5-6, 9, and 51 under 35 U.S.C. § 103.

On page 13 of the Office Action, the Examiner rejects claims 3, 14, 18-20, 23, 34, and 38-40 under 35 U.S.C. § 103 as being unpatentable over Newman in view of U.S. Patent Publication No. 2003/0144843 to Belrose. The Applicants respectfully traverse these rejections for at least the following reasons.

Belrose teaches using a speech recognizer to send "queries" for retrieving sound files related to a picture image" (see page 3, paragraph 0047). Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 3, 14, 18-20, 23, 34, and 38-40, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims 3, 14, 18-20, 23, 34, and 38-40, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

For at least the foregoing reasons, the Applicants submit that claims 3, 14, 18-20, 23, 34, and 38-40 are not unpatentable under 35 U.S.C. §103 over the

cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 3, 14, 18-20, 23, 34, and 38-40 under 35 U.S.C. § 103.

On page 16 of the Office Action, the Examiner rejects claims 7, 12-13, 27, and 32-33 under 35 U.S.C. §103 as being unpatentable over Newman in view of U.S. Patent Publication No. 2002/0067859 to Nicholson et al. (hereafter Nicholson). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 7, 12-13, 27, and 32-33, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims 7, 12-13, 27, and 32-33, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

Furthermore, Nicholson is limited to teaching an obscure processing technique for "creating a hybrid data structure describing recognized and

unrecognized objects." In particular, Nicholson teaches dividing a "bitmap" into identifiable and non-identifiable objects" (see column 1, paragraphs 0009-0010).

Applicants submit that Nicholson is not directed toward any field of endeavor that remotely resembles that of Applicants' invention. For example, Nicholson does not pertain to any sort of digital videography techniques. In addition, Nicholson fails to teach automatically generating Applicants' claimed "labels" by utilizing a "speech recognition engine." Furthermore, Nicholson nowhere teaches utilizing the converted labels for locating corresponding recorded video information. Applicants therefore submit that Nicholson is non-analogous art, and is therefore not relevant with respect to Applicants' claimed invention.

For at least the foregoing reasons, the Applicants submit that claims 7, 12-13, 27, and 32-33 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 7, 12-13, 27, and 32-33 under 35 U.S.C. § 103.

On page 18 of the Office Action, the Examiner rejects claims 11, 31, and 48 under 35 U.S.C. § 103 as being unpatentable over Newman in view of U.S. Patent Publication No. 2004/0008209 to Adams. The Applicants respectfully traverse these rejections for at least the following reasons.

Adams teaches a "multi-media photo album" that allows a user to manually select stored audio data corresponding to a given photograph (see page 4, paragraph 0096). Applicants maintain that the Examiner has failed to make a

prima facie case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 11, 31, and 48, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims 11, 31, and 48, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

For at least the foregoing reasons, the Applicants submit that claims 11, 31, and 48 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 11, 31, and 48 under 35 U.S.C. § 103.

Summary

Applicants submit that the foregoing amendments and remarks overcome the Examiner's rejections under 35 U.S.C. §103(a). Because the cited references, and the Examiner's citations thereto, do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants therefore submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow claims 1-51 so that the present Application may issue in a timely manner. If there are any questions concerning this Response, the Examiner is invited to contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,

Date: 6/9/08

By: _____

Gregory J. Koerner, Reg. No. 38,519
Redwood Patent Law
1291 East Hillsdale Blvd., Suite 205
Foster City, CA 94404
Tel: (650) 358-4000